

# Education and Lifelong Learning Committee

## Respondent Response

Mike De Val,  
Torfaen County  
Borough Council  
Education Dept.

1 Agree with types of alteration which can be proposed, but there should be extensive guidance on the division of roles between LEA and ELWa, also on consultation procedures.

2 Regs should specify ELWa having prior consultation with LEA before publishing proposals.

3 2 months is too short for the objection period. Regs should state that the objection period should not include any holiday period.

4 More time (than 1 month) should be allowed for ELWa to complete submission to the Minister.

5 Welcomes strategic view being taken.

- Powers should be exercised in partnership with LEA.
- How will these Regs enhance 14-19 Learning Pathways action Plan?
- Will the proposals for change be underpinned by "contractual arrangements" for performance arising from proposals?
- Will the Assembly review the content of these Regs as experience is gained?
- LEAs should establish a post-16 proposals group.
- Will the Assembly set up a group within ELWa to monitor proposals and to seek the views of "young people in the area"?
- Will ELWa consult on (before implementing) and make public their procedures for approving/ submitting procedures?
- "it would (not) be a positive step" for WAG to allow ELWa to make proposals that are not the preferred option of local partnerships.
- Is there info available on what capital funding is available to implement proposals?

James Williams,  
Hawthorn High  
School, Pontypridd

1 Disagrees. Removal of powers from school governing bodies is "unacceptable".  
Concerned about lack of involvement of LEAs and governing bodies in the  
consultation process.

2 Disagrees. Governing bodies should be informed of the creation of new schools  
(reg 5 4 b) in their area. Regulations should include a requirement to consult with  
CCETs and local 14-19 groups.

3 Disagrees. 2 month objection period "too short", also it should not include any  
holiday period.

4 Agrees. Suggests ELWa convene public meeting in areas affected for objections to  
be "heard in public".

5 The Regs and ELWa should consider impact on all learners, not just post 16s.

- Redundancy costs should be borne by ELWa, not by the LEA/ school.
- CCETs should not be consulted before LEAs.
- Progression and learning pathways must be considered during the  
consultation process.

Elaine Keeble,  
Tonyrefail School,  
Tonyrefail

Same as above.

Jane Rosser,  
Aberdare Girls'  
School

Same as above.

Mrs Ann Clemett,  
Y Pant School,  
Pontyclun

Same as above.

Peter Harris, Same as above.  
Aberdare Boys'  
Comprehensive  
School, Aberdare

Stephen Parry, Same as above.  
Tonypany  
Community  
College, Penygraig

Steve Bowden, Same as above.  
Porth County  
Community School

Peter Griffiths, As above.  
Ysgol Gyfun  
Rhydfelen,  
Pontypridd

T Anne Morris, 1 –4 As above..  
Ysgol Gyfun

Llanhari, Pontyclun 5 Post-16 Education is part of the wider education system, therefore it is important to consider the effects of change on all ages, but particularly 14-16.

- The whole Key Skills 3 and 4 agenda should be considered.
- Loss of a 6<sup>th</sup> form (and consequently staff) may have a knock on effect to the rest of a school, causing further funding problems.
- ELWa should bear the burden of redundancy costs etc arising from reorganisation.
- CCETs (which are voluntary) should not have the power to make to make decisions of this sort.

Mr RG James,  
Conwy Borough  
Council, Colwyn  
Bay

1 Agrees.

2 Would like all mainstream schools to "inform all current (registered) parents at the school" of proposals, also parents at feeder primary schools. Proposals should show how curriculum will be safeguarded and expanded (and future plans).

3 Agrees.

4 Agrees, also says info to Minister should show pupil's curriculum choices are not diminished by change, how new arrangements will "significantly enhance" curriculum opportunities, and an analysis of how loss of 6<sup>th</sup> form will affect the rest of the school (11-16).

June Davies,  
Caerphilly County  
Borough Council

1 Agrees. The regs should show the reason alterations are being proposed.

2 Agrees. ELWa should consult with LEA to ensure that the proposals fit with LEA strategy.

3 Agrees.

4 Agrees. The Assembly should issue the response/ notification of decision to all parties ASAP.

5 ELWa must ensure proposals are consistent with LEA strategy on provision of places.

Peter Jenkins,  
Ferndale  
Community School

1 Disagrees. LEA and Governing Body have a critical role to play in consultation and this should be set out in the Regs.

2 Consultation with CCET and 14-19 groups must be included.

3 2 months is short. Any period must take school holidays into account.

4 Time is sufficient, but there must be an opportunity for "the communities affected to publicly raise their objections".

5 Who bears redundancy costs?

- Should CCETs have more input at the beginning than the LEA?
- The Learning Pathways document has not been addressed.
- Pre-16 providers must be taken into account.
- The focus should be on quality of provision.

Mr GC Mason,  
The Maelor  
School, Wrexham

1 Disagrees. ELWVa should not have the power to close / set-up 6<sup>th</sup> forms as LEAs have more knowledge of these; the 14-19 agenda should be taken forward by one body, not two; LEAs have strategic planning remit for all schools, not ELWVa; the process should be entirely within the elected process.

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4 The proposal date for April 2004 is too short.

5 "Lack of choice" should not be a reason for closure.

- Learner should have adequate choice of venues.
- Concern that costs may force decisions rather than quality.
- Would like "value added per student" and completion rates to be included as criteria for review.

Governing Body,  
Corpus Christi  
High School,  
Cardiff

1 Disagrees with ELWVa having "the authority" to close or amend a 6<sup>th</sup> form at a voluntary aided school. LEAs have never had powers of this sort over VA schools, and are thus new and not a transfer of powers. The powers given to ELWVa will supersede those held by the school's Governing Body. Will these regs remove the power of Catholic schools to provide "appropriate education" for those pupils whose parents have chosen "a specifically Catholic school" (reducing choice?).

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5 These proposals threaten the system of Catholic education.

Mr Mike Callus, St Joseph's Catholic School & 6<sup>th</sup> Form Centre, Port Talbot

1 The objectives may need further definition. Does "increase participation" refer to retention as well as recruitment? Does "improve educational attainment" recognise pastoral and spiritual dimensions as well as academic?

2 Timing of publication of proposals needs to be considered. Those starting courses need to be given time to complete

3 Objection timescale is quite short, timing of consultation needs to take school holidays into account, objections should take transport issues into account. Are 3<sup>rd</sup> parties involved in consultation?

4 Disagrees. One month is not long enough for detailed consideration.

5 Document doesn't "consider the impact of 16-19 education at school on pupils".

- Pastoral support should be considered when assessing cost-effectiveness.
- If CCETs are making decisions, who is quality assuring the CCETs and their decisions?

Mr Liam Affley, Archdiocese of Cardiff, Cardiff

1 Disagrees. Due to the possible effect on church schools. When increasing size of 6<sup>th</sup> form at an already large school, thought needs to be given to traffic, environmental issues etc

2 Under 5 2(a), consultation will have to take into account that church schools may serve a very large area.

3 Disagrees. Consultation period should be at least 3 months and not include holiday periods. Consultation period should take into account timings of affected Governing Body meetings.

4 Should there be a period of consultation as part of the Assembly's consideration?

5 CCETs should include a diocesan representative.

- Sch3, Part 4, Reg 24 should include areas such as "ethos" as well as religious and spiritual development.
- Guidance: consideration should take viability of pre-16 provision into account where 6<sup>th</sup> form closed, availability of denominational choice, the value of the 6<sup>th</sup> form to the denominational community,
- Reg 7 para1: para 2 is missing.

- Mr Michael Coady, St Alban's RC High School, Pontypool
- 1 Disagrees. A 6<sup>th</sup> form should only be considered for closure if it is inefficient, inadequate or failing (on inspection evidence)
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- 5 Para 1.8 "to achieve to one of the following ...to expand the range of provision". The quality of current provision and results should be considered above a simple expansion in types of course provided.
- Sonia Reynolds, Dysg
- 1 Agrees, however, ELWa must have regard to costs incurred by such closures (redundancy). What if area covers several LEAs? New 6<sup>th</sup> forms proposed should take into account other school's intakes.
- 2 Should there be consultation with training providers?
- 3 Agrees.
- 4 Say there may be opposition, regardless of how "exhaustive the debate and consultation".
- 5 ELWa must ensure they have regard to bilingual provision and their e-learning strategy.
- ELWa must also work towards clear objectives.
- John Hopkins, Secondary Heads Association Cymru
- 1 Agrees
- 2 Regulation doesn't (and should?) include consultation with CCETs and local 14-16 groups.
- 3 2 months is too short. Regulations should state that the objection period will not include holiday periods.
- 4 Agrees
- 5 To consider the impact on all learners, not just post-16 learners.
- Redundancy costs etc should be borne by ELWa and not the school or LEA.

Mr Steve Lawrence, Caerphilly County Borough Council, Ystrad Mynach	<p>1 Agrees.</p> <p>2 Objectives of reorganisation must be clear and unambiguous.</p> <p>3 Agrees</p> <p>4 Agrees.</p> <p>5 Collaboration with CCET on proposals is "crucial".</p> <ul style="list-style-type: none"> <li>● Expansion of the range of opportunities was "crucially important within Caerphilly and was a major reason for initially proposing re-organisation and encouraging collaboration.</li> <li>● Clear guidance must be given on consultees.</li> </ul>
David Griffiths, Newport City Council	<p>1 –</p> <p>2 A proposal should not proceed if there is opposition from either ELWa or the LEA. There is a commitment in the draft that proposals should not be motivated by cost-effectiveness, but in practice, ELWa can use its control over funding to influence this and in effect, to drive this process.</p> <p>3 –</p> <p>4 –</p> <p>5</p>
GH Jones, Bryn Clynog Comprehensive School	<p>1 Disagrees, given the lack of involvement of Governing Bodies and LEAs.</p> <p>2 Reg does not seem to require consultation with bodies (such as CCETs) as envisaged by Learning Pathways</p> <p>3 Two months is inadequate. "The impression is ...(this) is a sham process". Timescales should be in terms of school days.</p> <p>4 Agrees</p> <p>5 Learners 11-16 must be considered in decision process- set out in Regs.</p> <ul style="list-style-type: none"> <li>● Using CCETs may "disenfranchise agencies...not represented or choose not</li> </ul>



to be involved with a CCET".

Mr MA  
Worthington, St  
Illtyd's Catholic  
High School,  
Cardiff

1 Disagrees. ELWa should not use its powers to close faith schools, simply for that reason. ELWa should preserve choice and diversity.

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5 Catholic schools and 6 forms are a "right" of the community. This right must be upheld, draft regs do not reflect this right. This right should be the subject of separate consultation.

Katy Burns, Coleg  
Gwent

1 Agrees.

2 it is important to ensure there is full collaboration and consultation between all partners at all stages of the proposal process.

3 Agrees.

4 Agrees.

5 To ensure value for money, an appraisal of other potential options needs to be carried out. The appraisal should consider the impact of competition on other providers.

Welsh Secondary  
Schools  
Association

1 Agree. Decisions should only be taken for the benefit of learners and not primarily for financial reasons.

2 Publication should include sending proposals to governing body and headmasters.

3 Agrees.

4 Agrees.

5 Object to the fact that consultation is on a proposal- the consultation should be on "avenues for improvement" (would want consultation to take place before proposal is formulated).

- ELWa issuing consultation to persons it "considers appropriate" is "dangerous". All possibly affected parties should be consulted before

proposals are formulated.

Martin Donovan,  
Vale of Glam  
Council

1 Who will manage the process? Who will fund capital costs (particularly of expansion)?

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5 LEAs must be fully involved in the process, particularly where there are capital expenditure implications.

Cllr Jeff Jones,  
Welsh Local  
Government  
Association

Generally support the proposals.

- Any proposals by ELWa must be made in full and open consultation with the LA and governing bodies, and with the agreement of all parties.
- ELWa may undermine 6<sup>th</sup> forms through their control of the funding system before making a proposal.
- Decisions must be made on a 11-19 agenda, rather than exclusively post-16.

NASUWT Cymru Has serious concerns.

1 Objects. Too much power is devolved to ELWa, there is no need to amend the SSF Act 1998.

2 Disagree. There should be a statutory duty to consult with trades unions in the regulations.

3. Agrees.

4 Welcomes the fact that the Minister will make the final decision. One month too short for objections period, should be two months.

5.Serious concerns. The proposals are a threat to schools and 6<sup>th</sup> forms, small and rural schools and 6<sup>th</sup> forms, bilingual provision.

- Provision should never be cost driven, but determined by local needs and circumstance.
- Decisions of this sort should be left with elected LEAs rather than non-elected and non-accountable ELWa.

NUT Cymru

- This consultation should not have taken place over Christmas period and should have gone to all secondary schools, not just a sample.
- ELWa has little credibility. ELWa does not have the competence or staff to deal with 6<sup>th</sup> form issues (funding, provision or closure). Implementation of these regs shouldn't happen until there is evidence ELWa is "effective, trusted and reliable".
- Changes affect the whole school (and possibly other schools in the area), rather than just the 6<sup>th</sup> form.
- Assembly budget will mean a reduction in budget. The additional 5% will not cover costs, leading to fears that ELWa will make decisions "leading to the closure of many and possibly all 6<sup>th</sup> form in Wales".
- CCETs may not be effective organisations to take forward this work.

Wished to remain anonymous.

The implementation date should be deferred to April 2006, and that the regs should not be put forward for publication until ELWa have published their new Planning and Funding system in the summer.

The concern is the impact of the Planning + Funding review will need to be seen on schools before these proposals come into effect. Delaying the introduction of these proposals would mean having the benefit of seeing what the new P+F system means in reality for schools

Wished to remain anonymous, Cardiff

1 Agrees, but regulations need to clarify the powers of LEAs and ELWa in relation to each other re: whole school issues or new building. Issues around capital ownership (land, buildings).

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3 Agrees. Will Estyn's role in advising WAG on changes to school status continue?

4 Agrees.

5 Additional info in parts 4,5 and 6 should include Estyn reports, there is currently no mention of Welsh medium or bilingual support.

- Issues around para 1.10 re: CCET role in planning and bringing forward proposals.

Irene Cameron  
MBE, Newport  
Assoc of School  
Governors

1 Who will meet the costs of enlargement/ rearrangement?

2 Consultation prior to publication should be more extensive. Proposals should be published on the internet.

3 Objections should be made via email/ website. Is there enough time to consider objections fully?

4 One month is not long enough for consideration. Governing body will need to hold consultative meetings etc

5. How is "inadequate" defined, by whom?

- Schools should have more time to improve following a poor Estyn report, or the "Action Planning" process serves no purpose.
- Head teachers should have more involvement in consultation and initial preparation of the proposal.
- No proposal should be made without discussion with Gov Body, LEA and head teachers.

ELWa

1 Agrees. Welcomes the extension of powers.

2 Agrees. However, suggest Reg 5(3) has explicit reference to "Governing bodies of maintained schools and FE colleges likely to be affected by the proposals", rather than having this covered by point (f)- they should be statutory consultees.

3 The consultation period should take holidays into account in timing (and possibly length)- guidance to specify?

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5. Regulation 4 should specify who ("such persons as it considers appropriate") and the nature of the material to be included (possibly in guidance?).

- Roles and responsibilities with respect to capital funding need to be defined. Role and relationship between LEA and ELWa in bringing and precedence of proposals should be defined.
- Importance of Welsh medium and bilingual provision should be included.
- Guidance should include details of CCET's role in development of the learning network.
- Importance of linking proposals to the WAG 14-19 agenda.
- Include consideration of pre-16 impact in proposals.

Mr Tim Jones,  
CCET  
Development Co-  
ordinator, Swansea

1 Swansea CCET is concerned that these proposals "should not be brought forward" and that they cannot make recommendations until "a full assessment" of current provision has been completed. Also, it is "unfortunate" that this consultation is taking place "at a time when sixth forms already feel threatened" by funding changes and 14-19 agenda. The Swansea CCET will not, at this time, be able to make informed recommendations to ELWa.

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5 It is a bad time to do consultation.

- ELWa's P+F plan may reduce funding to schools. CCET committee feel it is important to maintain choice; would closing sixth forms restrict this choice?
- Would pupils unable to stay in school leave post-16 education altogether?
- The needs of the learner must be considered.
- Effects on pre-16 education, teachers may resent the loss of post-16 teaching opportunities- this may cause them to defect to teach in FE.
- Believe the threat to 6<sup>th</sup> forms is credible.
- Some of the Proposals will undermine the 14—19 Action Plan.

JG Jones, St John  
Baptist (Church in  
Wales) High  
School, Aberdare

1 Disagrees. Proposals create an obstacle to continuity.

2 The consultation takes place after the proposals are written- should it be before?  
Should regs include Diocesan Authorities and Governing Bodies?

3 Consultation period is too short. Better to have a long consultation than to correct errors later.

4 It should allow enough time for interested parties to voice concerns.

5 These proposals may break continuity of Learning Pathways at 16.

- Impact on pre-16 provision.
- Takes powers from established partnerships.
- Need to clarify what "inadequate 6<sup>th</sup> form provision" is- is this the only thing causing low quality?

- Cost effectiveness of other providers is yet to be proved.
- These proposals do not recognise the value of denominational education, parental choice or this sector as a whole.
- This consultation should have been wider and longer.
- Reduction of Learning Pathways and choice to "one size fits all".
- The change to alternative provision may dissuade some young people from continuing in education.

Dilys Hughes,  
Senior Education  
Officer,  
Denbighshire  
County Council,  
Denbigh

1 Agreed if decision taken jointly with LEA and governing body (to ensure it corresponds to the LA's ESP and Community Lifelong Learning Targets).

2 Proposals on foundation/ voluntary/ religious/ Welsh medium schools will need wider consultation. Consultation has to be as wide as possible in the community served by the school.

3 It is essential that all procedure is clearly explained and understood by all the parties. Publicity of proposals and timescales for all activity must be sufficient.

3. Consultation should not take place during school holidays.

- Process must let local Council to take a full part in consultation.

5. Re-organisation must have the support of all parties.

- The learner must be central to any decision.

Prof David Jones,  
Dolen Dysg  
Dinbych  
(Denbighshire  
CCET)

- In para 1.4, in relation to the role of the CCET "may" should be replaced by "should".
- Para 1.10- It will be necessary to define the responsibilities of CCETs to avoid legal challenge in relation to their powers.
- The CCET would value info on the role of ELWa in approving provision by an independent provider of a post-16 education facility.
- Glad transport provision must be considered.
- Would any change be required to the Regs if an FEI wanted to expand?

Heather Guy,  
National Assoc of  
Headteachers

1 para 3, part 2a needs clarification (does it refer to whole school or 16-19 element).  
Para 3, part 2b if it refers to "other" sec schools, it must refer to schools without  
post-16 provision (therefore not necessary?). 3d Why is there provision to adjust by  
one year as most quals are 2 year?

2 Why do normal schools not have notification for parents, when this is included for  
special schools?

Headteacher must be included within people to be notified.

3 Consultation exercise: why carried out over Christmas holiday, 3 months is  
"considered minimum good practice", unrealistic implementation date and failure by  
Assembly to issue proposals early enough.

4 One month is "totally inadequate". It is unrealistic to expect ELWa to make their  
decision within one month. Several criticisms of ELWa's "lack of competency".

5. No confidence in ELWa to make these sort of decisions.

- Proposals should include information setting out why ELWa believe higher  
quality education will result.
- No mention of 14-19 agenda. Could schools see the loss of provision post-14?
- This is "out of step" with WAG circular "Community Focused Schools" as  
schools cannot be a focus for Lifelong Learning if they lose their post-16  
provision.
- Any proposals must consider "value added measures of quality".

Heather Guy,  
Cardiff Conference  
of Secondary  
Headteachers

As above.

- Fforwm
- (ELWa) already has these powers for FE Colleges and it is fair and equitable for these powers to be extended to school sixth forms or schools which provide solely for 16-19 year olds. (ELWa) should thus be able to take the lead... across the range of different 16-19 provisions". "Fforwm welcome the new powers".
  - Powers "must be used carefully, involve full consultation and be focused on the needs of the learner."
  - Reg 5 FE Colleges should be included in the list of persons to be consulted.
  - Sch 3, Part 2: The map should also include FEIs, community, foundation and voluntary schools.
  - Sch4: New proposals should be sent to other education Institutions in the area, including FEIs.

Richard Parkes,  
Chair, National  
Training  
Federation for  
Wales, Newtown

Increased participation should not just take academic progression into account, but also vocational and training opportunities.

Dr Gwynne Jones,  
Gwynedd Council,  
Caernarfon

1 How is the increase of 25% defined?

- How is "appropriate persons" (for consultation) defined?
- Please give more evidence of "publishing relevant considerations and associated evidence".

2 Why are parents of children at special schools notified when parents of others aren't (or aren't specified)?

- Will ELWa hold public meetings as part of the process?

3 There is not enough consultation.

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5 It is regrettable the SI was not made available in Welsh.

- The document (particularly relating to the consultation process) is unclear.
- There is no reference to preserving bilingual provision.
- Funding will be one of the main considerations.
- Consultation should have been with all schools with 6<sup>th</sup> forms.
- Were unions included in the consultation process?
- The guidance should have formed part of this consultation process, this would have been helpful for comprehension and making suggestions for



change.

- There is no reference to consultation with post-16 pupils and their parents.